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6 Avram D. White, Esq.  
7 Attorney for the Debtor(s)

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8 IN RE: | UNITED STATES BANKRUPTCY COURT  
9 | DISTRICT OF NEW JERSEY  
10 | CHAPTER 13  
11 | CASE NO.: 17-31749-CMG  
12 KIM ROBERTS, |  
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14 DEBTOR(S). |

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15 **COUNSEL'S CERTIFICATION IN SUPPORT OF MODIFIED CHAPTER 13 PLAN**  
16 **AND IN RESPONSE TO THE CHAPTER 13 TRUSTEE'S OBJECTION TO PLAN**

17 **AVRAM D. WHITE OF FULL AGE, HEREBY CERTIFIES AS FOLLOWS:**

18 1. I am counsel for the debtor in the instant Chapter 13 case  
19 and in that capacity I have personal knowledge as to the relevant  
20 facts regarding the current status of the case.

21 2. The debtor filed in instant case in October 2017 to address a  
22 foreclosure action. This certification is in response to the  
23 Trustee's request for writing on or before November 30, 2019  
24 setting forth details of the debtor's efforts to modify or  
25 refinance.

26 3. At the time of filing the debtor was approximately \$37,000 in  
27 arrears on a VA loan that had been used by the debtor and the  
28 debtor's spouse to purchase their current residence in Manchester  
Township, New Jersey.

29 4. The debtor is in her 60s. She is still working but fell  
30 behind with mortgage payments after losing income as a result of  
31 knee replacements prior to filing which caused her to be out of  
32 work for an extended period.

1 5. The debtor's spouse is in his 90s. He is a retired WWII  
2 veteran with pension and social security income.

3 6. Contemporaneous to the Chapter 13 filing the debtor and her  
4 spouse were trying to obtain a loan modification form Wells  
5 Fargo.

6 7. Several months after the filing Wells Fargo informed my  
7 office by phone that the debtor would have to go the VA for loan  
8 modification because they did not have any loan modification  
9 products that matched the VA loan product.

10 8. After the conversation with Wells Fargo the debtor and her  
11 spouse decided to pursue a reverse mortgage and/or a refinance.

12 9. Shortly thereafter the reverse mortgage was ruled out,  
13 because, although the property had equity, it was not sufficient  
14 equity to support a reverse mortgage.

15 10. The debtor and her spouse began to pursue an VA refinance  
16 loan.

17 11. A primary requirement of the VA refinance was for the debtor  
18 to make at least 12 consecutive on time mortgage payments and 12  
19 consecutive on time trustee payments.

20 12. This requirement was achieved in late 2018 to early 2019 and  
21 the debtors began in earnest to attempt a refinance.

22 13. The property was appraised and there was sufficient value to  
23 support the loan.

24 14. The refinance plans were partially delayed when the  
25 underwriter required the debtor's spouse to unload a separate  
26 property or face the inclusion of the separate property's tax  
27 obligation in the DTI analysis which would make the refinance  
28 loan unaffordable.

1 15. To unload the property, my office attempted to negotiate a  
2 short sale on behalf of the debtor's spouse. My office's efforts  
3 were unsuccessful and the property went to sheriff sale in early  
4 September.

5 16. The Sheriff sale was sufficient to remove the property to  
6 the DTI analysis and the refinance was back on track starting in  
7 October 2019.

8 17. This past week the appraiser came to the property to conduct  
9 and updated appraisal as the other appraisal expired in October.

10 18. The debtor and her husband have simultaneously been pursuing  
11 a loan modification.

12 19. My office spoke to Luz Lockward of Wells Fargo and Chad  
13 Soldheim of the VA and it was determined that the Roberts should  
14 have an opportunity to pursue a loan modification provided that  
15 they could meet initial income proofs required by Wells Fargo.

16 20. These proofs have been submitted along with supplemental  
17 information and the debtor and her spouse have a dedicated  
18 representative working on the modification submission with my  
19 office. As recently as this past week my office was submitting  
20 additional materials responsive to a Wells Fargo request that had  
21 a due date of December 7<sup>th</sup>.

22 21. It is noteworthy to add that the debtor has made every  
23 trustee payment and every post petition mortgage payment time  
24 since the inception of this case.

25 22. In addition the Trustee's blanket characterization of the  
26 debtor's plan as in bad faith does not take into account the  
27 debtor's ongoing efforts to either pay off the creditor in full  
28 with a refinance or become current with a loan modification.

1 23. The creditor, Wells Fargo is adequately protected because  
2 the debtor continues to make mortgage payments and trustee  
3 payments and the value of the subject property has increased as  
4 the loan balance has gone down during the pendency of this case.

5 24. Although it is unclear when Wells Fargo will have an answer  
6 as to a modification the debtor has informed that their mortgage  
7 broker anticipates that the refinance could close during the  
8 first half of December.

9 25. It is my hope that the Court will allow the debtor's plan to  
10 be confirmed as her efforts and actions have been in good faith  
11 during this Chapter 13 case.

12 26. I certify that this information is true and correct. I  
13 understand that if any of my statements are willfully false, I am  
14 subject to punishment.

15 DATED: NOVEMBER 30, 2019 /s/ AVRAM D. WHITE  
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17 COUNSEL TO THE DEBTOR

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